

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FTRU San Antonio LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 5:19-cv-00638-OLG
	§	
Kaplan Higher Education, LLC,	§	
	§	
Defendant.	§	
	§	

**PLAINTIFF FTRU SAN ANTONIO LLC'S AGREED REPORT ON
ALTERNATIVE DISPUTE RESOLUTION**

TO THE HONORABLE JASON PULLIAM:

Pursuant to Local Rule CV-88, and the Court's Scheduling Order entered herein, Plaintiff FTRU San Antonio LLC respectfully submits the following agreed report on alternative dispute resolution:

I. SETTLEMENT NEGOTIATIONS

Because the litigation in this matter has just begun, settlement negotiations are ongoing. As each side develops its own case, the parties agree that they will seriously discuss settlement at the appropriate time.

II. REPRESENTATIVE AND APPROPRIATE METHOD OF ADR

The undersigned attorney, Michael W. O'Donnell is responsible for settlement negotiations on behalf of Plaintiff. Reid S. Manley and Joshua Threadcraft, Burr & Forman, LLP, 420 N. 20th Street, Suite 3400, Birmingham, Alabama 35203 represents the Defendant Kaplan Higher Education, LLC and Joshua Threadcraft is responsible for settlement negotiations on its behalf. Both parties agree that mediation is the appropriate form of ADR to possibly resolve this dispute. All parties have been informed of the ADR procedures in this district.

III. **MEDIATOR**

The parties have agreed to use the following court approved mediator to mediate this matter:

Donald R. Philbin, Jr.
Donald R. Philbin, Jr., P.C.
208 Luther Drive
P.O. Box 12367
San Antonio, Texas 78212

The parties intend to conduct mediation January 16, 2019 in an effort to reach an early resolution of this matter. At that time, the parties will inform the Court whether the matter was settled or not. Each party has agreed to bear their own cost for the mediator's fee.

Dated: October 16, 2019

Respectfully submitted,

/s/ Michael W. O'Donnell

Michael W. O'Donnell
State Bar No. 24002705
mike.odonnell@nortonrosefulbright.com
Aimeé Vidaurri
State Bar No. 24098550
aimee.vidaurri@nortonrosefulbright.com
111 W. Houston Street, Suite 1800
San Antonio, TX 78205
Telephone: (210) 224-5575
Facsimile: (210) 270-7205

COUNSEL FOR PLAINTIFF FTRU SAN ANTONIO
LLC

CERTIFICATE OF SERVICE

On October 16, 2019, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served a copy of the foregoing on the following via electronic mail:

Reid S. Manley
BURR & FORMAN, LLP
420 N. 20th Street, Suite 3400
Birmingham, Alabama 35203
Telephone: (205) 251-3000
Facsimile: (205) 458-5100
Email: rmanley@burr.com
Attorney for Defendant

/s/ Michael W. O'Donnell

Michael W. O'Donnell